Appendix.

MASSACHUSETTS ACTS AND RESOLVES OF 1907, CHAPTER 584.

An Act Relative to the Use of Public Streets in the City of Boston for the Storage and Sale of Merchandise.

SECTION 1. The board of street commissioners of the city of Boston may issue, under the conditions hereinafter provided and under rules of its own not inconsistent herewith, licenses for the use of specified parts of public streets in said city for the storage and sale of merchandise.

SECTION 2. A person seeking such a license shall file with said board a written application therefor, stating his name, age, occupation, residence and place of business, if any, and whether or not he is a citizen of the United States or has declared his intention to become such. He shall describe accurately in writing, by plan or otherwise, the location, the shape and the dimensions of the space which he desires to occupy, the movable structures which he proposes to use, and the kinds of merchandise which he wishes to store and to sell. He shall submit as part of his application the written consent to the issuance of the said license on the part of the owner or owners of the premises in front of which he desires to carry on business and of the tenants of the ground floor of such premises, or in lieu thereof the written consent of the duly authorized agent or agents of such owners and tenants. When the privilege for which a license is asked is to be exercised in front of premises owned by the city of Boston, the owner's consent herein provided for may be given by the department having charge of said premises. An application from a firm or a corporation shall be made by such partners or officers and under such further conditions as the board shall determine, and every partner or officer so designated shall give concerning himself the information as to age, occupation,

citizenship, residence and place of business which is required of an individual applicant.

SECTION 3. The application shall be sent by the board of street commissioners to the police commissioner of the city of Boston, with a request for a report thereon. It shall be the duty of said police commissioner forthwith to examine in person or by means of his subordinates the location for which the license is asked, with particular reference to the effect of its use as desired upon the free passage of vehicles and of foot passengers and upon the maintenance of public order. In his report to the board of street commissioners, which shall be made as soon as practicable, he may certify his approval or his disapproval, or his approval conditional upon amendments to be made in the application as affecting the precise location, its area or the kinds of merchandise to be stored and sold thereon.

SECTION 4. Should the board of street commissioners and the police commissioner agree as to the propriety of issuing a license, the authority for further action shall be vested in said board; but no license shall become effective until twenty-four hours after a copy thereof has been delivered to the police commissioner.

SECTION 5. A license issued by the board of street commissioners may be for one or more week days in each week, for such hours daily as it shall in each case determine, and for any period not exceeding twelve months. It may be renewed on an application conforming to the conditions and in accordance with the procedure prescribed in sections two, three and four of this act. It may be suspended or revoked for any reason which said board shall consider sufficient.

SECTION 6. For each license issued and for each renewal thereof the board of street commissioners shall charge and collect in advance a fee of not less than five dollars nor more than one hundred dollars, according to its estimate of

the value of the privilege granted, the receipt of which fee shall be certified on the face of the license. It may make and collect an additional charge as rent whenever the licensee is not the principal tenant of the ground floor of the premises in front of which the location is granted; or whenever such tenant is the licensee but carries on in the location for which the license is issued a business which in the manner of its conduct or in the character of the merchandise which is sold differs materially from the business in which he is mainly engaged at that place.

Section 7. The board of street commissioners shall cause to be kept at its office full and accurate records of its doings under this act, open to the public under reasonable restrictions, and at all times to the mayor of the city or to such persons as he may designate. Separate accounts shall be kept of moneys received from licenses and from rentals derived from the use of parts of the public streets. Employees of the board entrusted with the receipt or the custody of such moneys shall be required to give bonds for the faithful performance of their duties to such amount in each case and of such character as the board shall determine. Moneys received under the provisions of this act shall be paid over to the city collector weekly, or more frequently, with a statement in detail of the sources from which they were derived; and the collector shall give his receipt therefor. The board shall include in its annual report a reasonable summary of its doings under the authority of this act.

Section 8. Requirements and prohibitions contained in this act or elsewhere to the contrary notwithstanding, it shall be lawful to occupy without license or fee places in the streets, not including sidewalks, within the limits of Faneuil Hall Market, as the same are or may be defined in the ordinances of the city of Boston, and other market limits added under authority of chapter three hundred and

seventy-six of the acts of the year eighteen hundred and ninety-six, for the sale from wagons or other vehicles of fresh provisions and perishable produce: *provided*, that the same are the product of the farm of the person offering them for sale, or of a farm within ten miles of the residence of such person; or are to be sold at wholesale only by the party offering the same for sale on commission, for, or as agent for, some person or persons not residing or having a usual place of business within eight miles of said market; or are meats to be sold at wholesale only by the person who slaughtered the animals of which the same were a part. Such sales shall be lawful only on days on which Faneuil Hall Market is open. Nothing contained in this section shall be construed to repeal or prevent reasonable rules of police, needful for the decorum, convenience and good order of the market, and of those who buy and sell therein.

SECTION 9. The police commissioner of the city of Boston may designate from time to time certain streets, or parts of streets, or sections of the city wherein, and not elsewhere in the city, it shall be lawful on the days and within the hours specified by him, and under such general rules as he shall make, for any hawker or pedler, without the license provided for in this act, to stop or stand for the purpose of selling merchandise: *provided*, that such hawkers or pedlers carry on their business in conformity with the laws of the Commonwealth, the ordinances of the city, and the regulations of the board of aldermen and of the board of health of the city of Boston, now or hereafter enacted and not inconsistent herewith.

[SECTION 10. A person who uses or occupies a part of a public street in the city of Boston, otherwise than according to the provisions of this act, for the purchase, sale, storage or display of merchandise or other articles except

materials or appliances used or to be used for public purposes or for building operations under authority or license lawfully conferred or issued by or under an ordinance of the city of Boston, now in existence or hereafter enacted, shall be subject to a fine not exceeding twenty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence, and should such person be unknown to the police officer witnessing such use or occupation he may be arrested by the officer without a warrant.]*

SECTION 11. Chapter two hundred and eleven of the acts of the year eighteen hundred and fifty-nine, chapter one hundred and fifty-two of the acts of the year eighteen hundred and sixty, and all other acts, ordinances and regulations inconsistent herewith are hereby repealed and annulled.

*This section was substituted for the original section 10 by Massachusetts Acts and Resolves, 1909, chapter 329.